

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION AT COLUMBUS**

In re: OHIO EXECUTION
PROTOCOL LITIGATION,

: Case No. 2:11-cv-1016

Chief Judge Edmund A. Sargus, Jr.
Magistrate Judge Michael R. Merz

This Order relates to Plaintiff Cleveland Jackson

DECISION AND ORDER UPON *IN CAMERA* INSPECTION

This capital § 1983 case is before the Court on the State Actor Defendants' Motion for a Protective Order Concerning Documents Submitted on July 19, 2019[,] for *In Camera* Inspection (ECF No. 2278).

The documents in question were received by the Court on July 22, 2019. At the telephone status conference on July 23, 2019, Plaintiffs disclaimed any need to file a response to the Motion (Transcript pending).

The State Actor Defendants claim attorney-client communications and attorney work-product privilege for the first, second, and fourth of the withheld documents. The Court finds that those documents are privileged from production on both of those bases as previously held by Judge Frost and the undersigned for similar documents previously withheld on these claims.

As to the third and fourth withheld documents, the State also claims the deliberative process privilege. The Court has found above that the fourth document is privileged. Because the third document is also a privileged attorney-client communication, it is also protected from production.

Given this resolution of the Motion, the Court need not consider the deliberative process privilege question, which has not been previously litigated in this case.

July 25, 2019,

s/ *Michael R. Merz*
United States Magistrate Judge